



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/386,000 08/30/99 MIYAZAKI

K Q55595

PM82/0911
SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20037-3202

EXAMINER

RIDLEY, R

ART UNIT

PAPER NUMBER

3651

DATE MAILED:

09/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/386,000

Applicant(s)

Miyazaki

Examiner

Richard Ridley

Group Art Unit

3651



☒ Responsive to communication(s) filed on Aug 7, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-24 is/are pending in the applicat

Of the above, claim(s) 7-12 and 19-24 is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6, and 13-18 is/are rejected.

☒ Claim(s) 5 is/are objected to.

☒ Claims 1-24 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 3651

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of claims 1-6 and 13-18 in Paper No. 8 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4, 6, 13-15, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 14 recites the limitation “...**are loaded** ...”. Use of the passive voice renders the claim unclear and does not allow one of ordinary skill in the art to ascertain that which may or may not be readable thereon. What structure is performing the loading, or by what means is the is the stiff carton and the plurality of paper rolls loaded?

Claims 4 recites the limitation “...**pair of spindle receptacles...are inserted** ...”. How are the receptacles inserted, or what inserts the receptacles? Use of the passive voice renders the

Art Unit: 3651

claim unclear and does not allow one of ordinary skill in the art to ascertain that which may or may not be readable thereon.

Claim 6 and 18 recites the limitation “...**feeding path is extended perpendicularly....**” and “...**feeding path perpendicularly extending...**”, respectively. As written the claims are unclear. To *What* is the feeding path extended perpendicular to? A frame of reference has not been previously established.

Claim 15 recites the limitations “...**the paper roll is loaded...**”. Use of the passive voice renders the claim unclear and does not allow one of ordinary skill in the art to ascertain that which may or may not be readable thereon. What loads the paper roll, or how is the paper roll loaded? As written the claim is unclear.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 3651

5. Claims 13, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Greene (USP 5,690,774).

Greene discloses a similar printing device in fig. 11, the device comprising a(n):

- paper feeding unit (100) in which at least one roll of paper and at least one sheet of paper including a stiff carton (52) are loaded
- a plurality of paper rolls (24, 100) arranged obliquely with each other in the vertical direction
- printing unit (14)
- discharge paper stacker (138)
- paper feed path

6. Claims 13, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (USP 5,072,306). Matsumoto discloses a similar printing device in fig. 1, the device comprising a(n):

- printer (fig. 1)
- at least one roll of paper and at least one stiff carton (abstract/L1-3, C2/L5-15)
- accommodation space in which the paper roll is loaded (fig. 5)
- cover member (fig. 1 show a cover member)

Art Unit: 3651

7. Claims 13, 17, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by McCulley (USP 938,885). McCulley discloses a similar printing device in fig. 1, the device comprising

a(n):

- sheet feeding area (12)

- printing area ((c), fig. 1)

- paper discharge area (paper is discharged from a discharge roller (d) at location between 19 and (d))

- paper receiving path (fig. 1) extending from the paper feeding area to the paper discharge area via the printing area

wherein the paper feeding area is located in upper rear portion of the printer and the paper discharge area is located in a lower front portion of the printer.

8. Claims 13, 16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (USP 5,838,354). Yamada et al. discloses a similar printing device in fig. 1, the device

comprising a(n):

- paper feeding unit ((1, 501, 507), C10/L58-61), fig. 22)

- printing unit (C1/L1-5)

- discharge paper stacker (C22/L13-19)

- paper feed path

- cover member ((801), fig. 15)

Art Unit: 3651

-elongative support member (104) disposed in the paper feeding area

-pair of support members ((104b), fig. 4 shows at least two support members supporting the elongative support member (104b))

Allowable Subject Matter

9. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

10. Claims 3, 4, 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims 2, 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910.

Application/Control Number: 09/386,000

Page 7

Art Unit: 3651

CP. Ellis
9/1/00

CHRISTOPHER P. ELLIS
PRIMARY EXAMINER



Richard Ridley

September 5, 2000